

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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VIRGINIA MILANES, OMAR MIGUEL FARFAN,
MANUEL ALBERTO MARTINEZ, ANDRES
GIOVANNY SANCHEZ, NANCY CASTRO, and
MARGOTH PEREZ DE CHALAMPA, on behalf of
themselves and all other similarly situated individuals,

Plaintiffs,

08 Civ. 2354 (LMM)

-against-

MICHAEL CHERTOFF, in his official capacity as
Secretary of the Department of Homeland Security,
EMILIO GONZALEZ, in his official capacity as
Director of the United States Citizenship and
Immigration Services, ANDREA QUARANTILLO,
in her official capacity as District Director of the
New York City District of the United States
Citizenship and Immigration Services,
MICHAEL B. MUKASEY, in his official capacity as
Attorney General of the United States, and
ROBERT S. MUELLER, III, in his official capacity as
Director of the Federal Bureau of Investigation,

Defendants.

-----X

DECLARATION OF ANDRES GIOVANNY SANCHEZ

I, Andres Giovanni Sanchez hereby declare and say, that the following statements are true
and correct under penalty of perjury:

1. I am a resident of New York County where I live with my parents.
2. I have been a lawful permanent resident of the United States since on or about
November 28, 1999.
3. I was born on November 30, 1978 in San Francisco de Macoris, Dominican
Republic. I married my wife Enelli in the Dominican Republic on September 21,
2001. We have a five-year-old son who was born in May 2002. Both my wife and

my son continue to reside in the Dominican Republic. I want to sponsor my wife and child once I have obtained US citizenship

4. I have been employed as a town car driver for the past four years for the same company.
5. I filed my N-400 naturalization application on or about December 20, 2004 in satisfaction of the statutory and regulatory requirements.
6. I had my biometric appointment on February 11, 2005 at which time my fingerprints were taken by USCIS. (See Exhibit ¹¹ 1)
7. I had my naturalization interview and examination on October 13, 2005 and was told that I had passed the requisite tests and would receive a written decision about my application. (See Exhibit ¹² 2)
8. To this date, I have still not received any decision on my application.
9. I made an appointment to meet with an immigration officer concerning the status of my application for naturalization on February 28, 2006. At that appointment I was notified that my application was pending receipt for security checks, and that a decision would be made upon receipt of all security checks. (See Exhibit ¹³ 3):
10. I made subsequent inquiries to USCIS on the status of my application and received similar responses on June 20, 2006; July 12, 2006; January 10, 2007; March 19, 2007; April 11, 2007; November 2, 2007; and January 28, 2008. (See Exhibit ¹⁴ 4)
11. In April 2007, I contacted the office of U.S. Senator Hillary Clinton for assistance. Senator's Clinton office contacted the Federal Bureau of Investigations whose email response dated October 3, 2007 confirmed that A[a] review of the [FBI=s] Name Check Program database concerning [my application] revealed that the request was received from [USCIS] on January 8, 2005 and is currently in process

... an exact date for completion of review can not be given@ (See Exhibit "5").

12. I want to register to vote and participate in the presidential elections, but I am not yet eligible. I fear that the USCIS delays in processing naturalization will deprive me of this important opportunity. As a new citizen and taxpayer, I am concerned about my adopted country. My right to vote is very important to me.
13. As of this date, my naturalization application has not been adjudicated. It has been over 38 months since I submitted my naturalization application and over 28 months since the date of my examination.

Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed this 29th day of March, 2008.

A handwritten signature in cursive script, reading "Andres Giovanny Sanchez", written over a horizontal line.

Andres Giovanny Sanchez

DBI TENPRINTER Applicant Information Worksheet (AIW)

When you have completed this worksheet, turn it into the receptionist. Have this worksheet, your appointment notification letter and picture identification available.

NAME: SANchez Andres G
Last First Middle Suffix

DATE OF BIRTH: 1978 11 30 PHONE #: 212-569-7736
Year Month Day

PLACE OF BIRTH: S.F.m. Rep. Dom. SEX: (Male or Female) male

RACE: Check the most appropriate code below:

☐ American Indian or Alaskan Native ☐ Black ☒ White (Hispanic also check)

☐ Asian or Pacific Island

HEIGHT: 5 Feet 11 Inches WEIGHT: 180 Pounds

EYE COLOR: Check the most appropriate code below:

☐ Black ☒ Brown ☐ Green ☐ Gray ☐ Pink ☐ Hazel ☐ Blue ☐ Maroon

HAIR COLOR: Check the most appropriate code below:

☒ Black ☐ Bald ☐ White ☐ Sandy ☐ Red ☐ Gray ☐ Blonde ☐ Brown

COUNTRY OF CITIZENSHIP: Dominican Republic.

SOCIAL SECURITY NUMBER: 122 -- 88 -- 09 18

ALIEN REGISTRATION NUMBER: A 047-136-304

LIST ANY OTHER NAMES YOU HAVE USED:

Last First Middle Suffix

RESIDENCE ADDRESS

200 WAGLE Ave. 1 J N.Y N.Y 10034
Street number and name Apartment # City State Zip Code

REASON FOR FINGERPRINT APPLICATION: (I-485, I-589, I-600, I-821, N-400): N-400

| LOCAL AIW STAMP | |
|-----------------------------|-------------------|
| FD-258 Completed at CIS/ASC | <u>XMA</u> |
| On: <u>2/11/5</u> | By: <u>302547</u> |
| QC Check Completed By: | <u>82340x</u> |

SANchez Et 1

On OCT 13 2005A#: 47136304

, you were interviewed by USCIS officer

A. JENKINS

- ☒ You passed the tests of English and U.S. history and government.
- ☐ You passed the tests of U.S. history and government and the English language requirement was waived.
- ☐ USCIS has accepted your request for a Disability Exception. You are exempted from the requirement to demonstrate English language ability and/or a knowledge of U.S. history and government.
- ☐ You will be given another opportunity to be tested on your ability to _____ write _____ English. _____ speak/ _____ read/ _____
- ☐ You will be given another opportunity to be tested on your knowledge of U.S. history and government.
- ☐ Please follow the instructions on Form N-14.
- ☒ USCIS will send you a written decision about your application.
- ☐ You did not pass the second and final test of your _____ English ability/ _____ knowledge of U.S. history and government. You will not be rescheduled for another interview for this Form N-400. USCIS will send you a written decision about your application.
- A) _____ Congratulations! Your application has been recommended for approval. At this time it appears that you have established your eligibility for naturalization. If final approval is granted, you will be notified when and where to report for the Oath Ceremony.
- B) _____ A decision cannot yet be made about your application.

It is very important that you:

- ☒ Notify USCIS if you change your address.
- ☒ Come to any scheduled interview.
- ☒ Submit all requested documents.
- ☒ Send any questions about this application in writing to the officer named above. Include your full name, Alien Registration Number (A#), and a copy of this paper.
- ☒ Go to any Oath Ceremony that you are scheduled to attend.
- ☒ Notify USCIS as soon as possible in writing if you cannot come to any scheduled interview or Oath Ceremony. Include a copy of this paper and a copy of the scheduling notice.

Cc: N/A

NOTE: Please be advised that under section 336 of the Immigration and Nationality Act, you have the right to request a hearing before an immigration officer if your application is denied, or before the U.S. district court if USCIS had not made a determination on your application within 120 days of the date of your examination.

Sánchez Ex. 2



U.S. Department of Homeland Security

Citizenship and Naturalization Service

February 28, 2006

*26 Federal Plaza
New York, NY 10278*

Re: A 47136304

Dear Mr. Sir/ Madam,

This will acknowledge receipt of your inquiry dated February 28, 2006 regarding the status of your application for naturalization.

Please be advised that his application is pending receipt for security checks. Upon receipt of all security checks, a decision will be made on your application for naturalization.

We hope the information provided is helpful. Thank you for your patience and cooperation in this matter.

Sincerely,

Julissa Pabon

Immigration Information Officer

Naturalization

New York District

COPY

Sanchez Ex. "3"



Department of Homeland Security
Citizenship and Immigration Services

A47 136 304

26 Federal Plaza

New York, NY 10278

June 20, 2006

Hand Delivered

Andres Sanchez
200 Nagle Avenue, 1-J
New York, NY 10034

Dear Applicant:

This will acknowledge receipt of your inquiry dated June 20, 2006 regarding the status of your application for naturalization.

Please be advised that your application is pending receipt for security checks. Upon receipt of all security checks, a decision will be made on your application for naturalization.

We hope the information provided is helpful. Thank you for your patience and cooperation in this matter.

Sincerely,

C. Hernandez
Immigration Information Officer
Naturalization Section
New York District

Sanchez Ex 4 collectively

Congressional Unit**GIVE THIS YOUR IMMEDIATE ATTENTION!**

File No: 47136304
Date : 7/12/2006
Ctrl : **06-8916**

In Re: **SANCHEZ, ANDRES G.**

Information requested by: **ESPAILLAT, ADRIANO**
210 SHERMAN AVENUE SUITE A NEW YORK, NY 10034

☐ Attorney ☐ Congressional ☐ Consulate ☐ Other

Inquiry: ☐ Telephone ☐ By Letter ☐ Appeared in person

To: **CON**


Information requested: **FOR REVIEW AND RESPONSE. DUE BY 8/11/2006**

STATUS OF N-400.

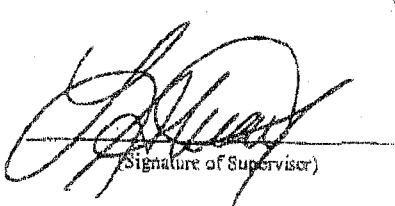
Information furnished:



PLEASE BE ADVISED THAT ACCORDING TO USCIS RECORDS, APPLICANT'S CASE IS CURRENTLY
PENDING SECURITY AGENCY CHECKS. ONCE A RESPONSE IS RECEIVED, THE CASE WILL BE
ADJUDICATED ACCORDINGLY. *


(Signature of Officer or Employee)

Approved by:


(Signature of Supervisor)

Location:

U.S. Department of Homeland Security

Jacob Javits Federal Building
26 Federal Plaza
New York, NY 10278



**U.S. Citizenship
and Immigration
Services**

Wednesday, January 10, 2007

ANDRES SANCHEZ
200 NAGLE AVENUE, APT # 1-J
NEW YORK NY 10034

Dear Andres Sanchez:

On 10/20/2006 you, or the designated representative shown below, contacted us about your case. Some of the key information given to us at that time was the following:

| | |
|---|---------------------------------------|
| Caller indicated they are: | The applicant |
| Attorney Name: | Information not available |
| Case type: | N400 |
| Filing date: | 12/20/2004 |
| Receipt #: | ESC*001347415 |
| Beneficiary (if you filed for someone else): | Sanchez, Andres |
| Your USCIS Account Number (A-number): | A047136304 |
| Type of service requested: | Case Status - Outside Processing Time |

The status of this service request is:

The processing of your case has been delayed. A check of our records establishes that your case is not yet ready for decision, as the required investigation into your background remains open.

Until the background investigation is completed, we cannot move forward on your case. These background checks are required to be completed on all applicants who apply for the immigration benefit you are seeking. We will make every effort to make a decision on this case as soon as the background checks are complete. If you do not receive a decision or other notice of action from us within 6 months of this letter, please contact us by calling our customer service number provided below.

If you have any further questions, please call the National Customer Service Center at 1-800-375-5283.

Please remember: By law, every person who is not a U.S. citizen and who is over the age of 14 must also notify the Department of Homeland Security within 10 days from when they move (persons in "A" or "G" nonimmigrant status are exempt from this requirement). If you have moved, please complete a Form AR-11 and mail it to the address shown on that form. If you do not have this form, you can download it from our website or you can call the National Customer Service Center at 1-800-375-5283 and we can order one for you. If you move, please call us with your new address information as soon as your move is complete. If you have already called us and given us this information, you do not need to call again.

U.S. Citizenship and Immigration Services

U.S. Department of Homeland Security

Jacob Javits Federal Building

26 Federal Plaza

New York, NY 10278



**U.S. Citizenship
and Immigration
Services**

Monday, March 19, 2007

ANDRES SANCHEZ
200 NAGLE AVENUE, APT # 1-J
NEW YORK NY 10034

Dear Andres Sanchez:

On 03/08/2007 you, or the designated representative shown below, contacted us about your case. Some of the key information given to us at that time was the following:

| | |
|---|---------------------------|
| Caller indicated they are: | The applicant |
| Attorney Name: | Information not available |
| Case type: | N400 |
| Filing date: | 12/20/2004 |
| Receipt #: | ESC*001347415 |
| Beneficiary (if you filed for someone else): | Sanchez, Andres |
| Your USCIS Account Number (A-number): | A047136304 |
| Type of service requested: | Non-delivery |

The status of this service request is:

The processing of your case has been delayed. A check of our records establishes that your case is not yet ready for decision, as the required investigation into your background remains open.

Until the background investigation is completed, we cannot move forward on your case. These background checks are required to be completed on all applicants who apply for immigration status. We will make every effort to make a decision on this case as soon as the background checks are complete. If you do not receive a decision or other notice of action from us within 6 months of this letter, please contact us by calling our customer service number provided below.

If you have any further questions, please call the National Customer Service Center at 1-800-375-5283.

Please remember: By law, every person who is not a U.S. citizen and who is over the age of 14 must also notify the Department of Homeland Security within 10 days from when they move (persons in "A" or "G" nonimmigrant status are exempt from this requirement). If you have moved, please complete a Form AR-11 and mail it to the address shown on that form. If you do not have this form, you can download it from our website or you can call the National Customer Service Center at 1-800-375-5283 and we can order one for you. If you move, please call us with your new address information as soon as your move is complete. If you have already called us and given us this information, you do not need to call again.

U.S. Citizenship and Immigration Services



Department of Homeland Security
Citizenship and Immigration Services

A047 136 304

26 Federal Plaza
New York, NY 10278

April 11, 2007

Andres Giovanny Sanchez
200 Nagle Avenue, #1-J
New York, NY 10034

Dear Applicant:

This will acknowledge receipt of your inquiry dated April 11, 2007 regarding the status of your application for naturalization.

Please be advised that your application is **pending receipt for security checks**. Upon receipt of all security checks, decision will be made on your application for naturalization.

We hope the information provided is helpful. Thank you for your patience and cooperation in this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "C. Hernandez", written over the word "Sincerely,".

C. Hernandez
Immigration Information Officer
Citizenship and Immigration Services
Naturalization Section
New York District

U.S. Department of Homeland Security

Jacob Javits Federal Building
26 Federal Plaza
New York, NY 10278



**U.S. Citizenship
and Immigration
Services**

Friday, November 2, 2007

ANDRES SANCHEZ
200 NAGLE AVE. APT# 1-J
NEW YORK NY 10034

Dear Andres Sanchez:

On 11/02/2007 you, or the designated representative shown below, contacted us about your case. Some of the key information given to us at that time was the following:

| | |
|---|---------------------------|
| Caller indicated they are: | Applicant or Petitioner |
| Attorney Name: | Information not available |
| Case type: | N400 |
| Filing date: | 12/20/2004 |
| Receipt #: | ESC*001347415 |
| Beneficiary (if you filed for someone else): | Information not available |
| Your USCIS Account Number (A-number): | A047136304 |
| Type of service requested: | Other |

The status of this service request is:

The processing of your case has been delayed. A check of our records establishes that your case is not yet ready for decision, as the required investigation into your background remains open.

Until the background investigation is completed, we cannot move forward on your case. These background checks are required to be completed on all applicants who apply for the immigration benefit you are seeking. We will make every effort to make a decision on this case as soon as the background checks are complete. If you do not receive a decision or other notice of action from us within 6 months of this letter, please contact us by calling our customer service number provided below.

If you have any further questions, please call the National Customer Service Center at 1-800-375-5283.

Please remember: By law, every person who is not a U.S. citizen and who is over the age of 14 must also notify the Department of Homeland Security within 10 days from when they move (persons in "A" or "G" nonimmigrant status are exempt from this requirement). If you have moved, please complete a Form AR-11 and mail it to the address shown on that form. If you do not have this form, you can download it from our website or you can call the National Customer Service Center at 1-800-375-5283 and we can order one for you. If you move, please call us with your new address information as soon as your move is complete. If you have already called us and given us this information, you do not need to call again.

U.S. Citizenship and Immigration Services



Department of Homeland Security
Citizenship and Immigration Services

A47 136 304

26 Federal Plaza
New York, NY 10278

January 28, 2008

Andres Sanchez
200 Nagle Street # 1-J
New York, New York 10034

Dear Applicant:

This will acknowledge receipt of your inquiry dated November 21, 2007 regarding the status of your application for naturalization.

Please be advised that your application is pending receipt of security checks. Upon receipt of all security checks, a decision will be made on your application for naturalization.

We hope the information provided is helpful. Thank you for your patience and cooperation in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "G. Evertz", with a stylized flourish at the end.

George Evertz
Immigration Information Officer
Citizenship and Immigration Services
Naturalization Section
New York District

RUSSELL SENATE OFFICE BUILDING
SUITE 476
WASHINGTON, DC 20510-3204
202-224-4451

United States Senate

WASHINGTON, DC 20510-3204

October 3, 2007

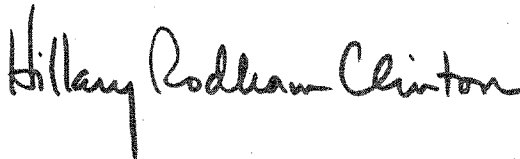
Mr. Andres Sanchez
200 Nagle Ave
Apt 1-J
New York, New York 10034

Dear Mr. Sanchez:

Thank you for contacting my office with your matter. I have contacted the F.B.I. on your behalf – attached is the response to my inquiry. I hope this information will be of help to you.

If I can be of further assistance to you, please do not hesitate to contact my office again.

Sincerely yours,



Hillary Rodham Clinton

HRC/lm/of

From: Spinola, Theresa M.
Sent: Wed 10/3/2007 11:17 AM
To: Mendez, Luz (Clinton)
Subject: Name Check Request

Please advise constituents that the FBI does not expedite name check requests. The customer agency determines the expedited handling of name checks

I am responding to your facsimile dated July 10, 2007, concerning the name check status of Andres Sanchez for immigration purposes.

A review of the Federal Bureau of Investigation's (FBI's) Name Check Program database concerning Andres revealed that the request was received from the United States Citizenship and Immigration Services (USCIS) on January 8, 2005 and is currently in process.

The FBI processes millions of name check requests each year with each requiring thoughtful consideration. We know how important this information must be to your constituent; however, the FBI must also balance the need for national security in preparing the response to each of these requests. The FBI's homeland security mission requires that our name check process be primarily focused on an accurate and thorough result. While an exact date for completion of review cannot be given, your constituent may be assured that the results will be made available to the immigration authorities as quickly as possible.

I trust this information will assist you in responding to your constituent. Should you have further questions, please refer to the FBI's internet site, www.fbi.gov. This site provides excellent information on the name check process. In the event that you require further assistance, please do not hesitate to call the FBI's Office of Congressional Affairs.

Sincerely,

Michael A. Cannon/tms
Section Chief
National Name Check Program
Records Management Division
Federal Bureau of Investigation